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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

00-CR-297-KI

v.

JOHN ANTHONY KAMPERT II,

Defendant.

**ORDER FOR EXAMINATION OF
DEFENDANT UNDER 18 U.S.C §
4244(b) TO DETERMINE PRESENT
MENTAL CONDITION, AND
COMMITMENT ORDER; FINDINGS
OF FACT ON VIOLATION OF
SUPERVISED RELEASE**

On August 10, 2011, this case came before the court for a hearing on violation of supervised release and on defendant's unopposed motion for evaluation prior to sentencing pursuant to 18 U.S.C. § 4244. Defendant was personally present in the custody of the U.S. Marshal, along with his attorney, Assistant Federal Public Defender T. J. Hester, Assistant United States Attorney Stephen F. Peifer, and U.S. Probation Officer Darryl J. Weidner.

After receiving the submissions and statements of the parties and being fully advised in the premises, the court hereby FINDS:

1. Defendant has admitted, and the court FINDS, violation of the terms of supervised release in the following respects: commission of a new law violation (possession of heroin),

failure to report to the probation officer as directed and failure to submit a written report within the first five days of each month, failure to notify the probation officer within 72 hours of any change in residence, failure to refrain from excessive alcohol use and the use of controlled substances and failure to submit to drug testing, failure to notify probation officer of police contact within 72 hours, knowing association with persons engaged in criminal activity, and failure to participate in a mental health treatment program approved by the probation officer.

2. Defendant has presented information indicating that he may presently be suffering from a mental disease or defect for the treatment of which he may be in need of custody for care or treatment in a suitable facility, and the court so FINDS.

3. Prior to a hearing on the question of defendant's present mental condition and in preparation for sentencing in this case, the court is in need of a psychiatric and/or psychological examination and report by the Bureau of Prisons.

The court therefore ORDERS:

1. Pursuant to 18 U.S.C. §§ 4244(b) and 4247(b), defendant is committed to the custody of the attorney general for a reasonable period, but not to exceed 30 days, for a psychological and/or psychiatric examination to determine if defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, and the Bureau of Prisons shall prepare and file with the court a psychiatric and/or psychological report pursuant to 18 U.S.C. § 4247(c).

2. Pursuant to 18 U.S.C. § 4244(b), if the report includes an opinion by the examiners that defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also

include an opinion by the examiners concerning the sentencing alternatives that could best accord defendant the kind of treatment he does need.

3. Pursuant to 18 U.S.C. §4247(c)(4)(E), if the report includes an opinion by the examiners that defendant is presently suffering from a mental disease or effect that requires custody for care or treatment in a suitable facility, the report shall also include suggestions as to appropriate available facilities and any steps the court might take to expedite the commencement of such treatment.

4. Pursuant to 18 U.S.C. §4247(c)(4)(F), the report should include any recommendation the examiners may have as to how the mental condition of the defendant should affect the sentence.

IT IS FURTHER ORDERED that the U.S. Marshal shall transport defendant to a facility designated by the Bureau of Prisons for the purpose of conducting the required examination.

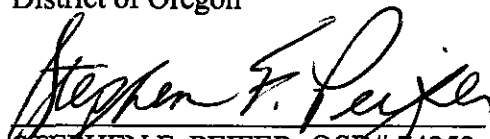
IT IS SO ORDERED this ¹⁴12 day of August 2011.



THE HONORABLE GARR M. KING
UNITED STATES DISTRICT JUDGE

Presented by:

DWIGHT C. HOLTON
United States Attorney
District of Oregon



STEPHEN F. PEIFER, OSB# 74252
Assistant United States Attorney